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WSB 28622

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

JANE DOE and JOHN DOE,¹
Washington residents,

Plaintiffs,

vs.

**PIERCE COUNTY HOUSING
AUTHORITY, a public entity,**

Defendant.

Case No.:

COMPLAINT AND JURY DEMAND

COME NOW Plaintiffs Jane Doe and John Doe, by and through their undersigned attorneys, and file their Complaint for Declaratory and Injunctive Relief and Damages and state:

I. INTRODUCTION

1. Plaintiff Jane Doe is an individual with mental and physical impairments that substantially limit her major life activities.

2. Plaintiff John Doe is an individual with mental and physical impairments that substantially limit his major life activities.

¹ A Motion to Proceed Anonymously will be forthcoming.

3. Plaintiffs bring this action seeking declaratory, injunctive and equitable relief; compensatory damages; and attorneys’ fees and costs to redress Pierce County Housing Authority’s unlawful discrimination on the basis of disability in violation of The Fair Housing Amendments Act (“FHAA”), 42 U.S.C. § 3604 *et seq* and Section 504 of The Rehabilitation Act, U.S.C. § 794 *et seq*.

4. The public entity Pierce County Housing Authority (“PCHA”) has failed to reasonably accommodate Ms. Doe’s disability related need for an emotional support animal. Ms. Doe brings this action to compel PCHA to grant her request for a waiver of its no-pet rule so that she may obtain an emotional support animal and for damages based upon PCHA’s constructive denial of her request for an accommodation.

5. The public entity Pierce County Housing Authority (“PCHA”) has failed to reasonably accommodate Mr. Doe’s disability related need for an emotional support animal and his disability related need for a parking space near his apartment. Mr. Doe brings this action to compel PCHA to grant his request for a waiver of its no-pet rule and for a parking space close to his unit based upon PCHA’s constructive denial of his request for accommodations.

II. PARTIES

6. Ms. Doe brings this action as an individual living in Washington State.

7. Mr. Doe brings this action as an individual living in Washington State.

1 8. Pierce County Housing Authority (PCHA) is an independent public
2 entity located in Washington State which operates Ms. Doe's residence, Chateau
3 Rainier Apartments, located at 4600 16th Street East, Fife, Washington 98424. The
4 majority of PCHA's funding is through the federal government, through the United
5 States Department of Housing and Urban Development.
6

7 **III. JURISDICTION AND VENUE**

8 9. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, which gives
9 district courts original jurisdiction over civil actions arising in the Constitution, laws,
10 or treaties of the United States.
11

12 10. This Court has jurisdiction pursuant to 28 U.S.C. § 1343(a)(4), which
13 gives district courts jurisdiction over actions to secure civil rights under Acts of
14 Congress.
15

16 11. Venue is appropriate in this judicial district under 28 U.S.C. § 1391
17 because the events that gave rise to Plaintiffs' Complaint for Injunctive Relief and
18 Damages occurred in this district and PCHA is located within this district.
19

20 **IV. FACTUAL ALLEGATIONS**

21 **A. Jane Doe**

22 12. Jane Doe is 37 years old and suffers from and has a history of suffering
23 from a generalized anxiety disorder that substantially limits her major life activities.
24
25

1 13. Additionally, Jane Doe suffers from chronic neck pain, a herniated disk
2 and recurrent migraines.

3 14. Jane Doe moved into her unit at Chateau Rainier Apartments on April
4 10, 2015.

5 15. Shortly after moving to Chateau Rainier Apartments, Ms. Doe
6 submitted a “Reasonable Accommodation Request Verification Information Form”
7 to Chateau Rainier Apartments as well as a letter from her then treating physician,
8 Doug S. Kim M.D. verifying her need to live with an emotional support animal.
9

10 16. On July 25, 2015, Jane Doe was granted an accommodation, and a few
11 days later she obtained her emotional support animal, a puppy she named “Enoch.”
12

13 17. After obtaining Enoch, the symptoms of Jane Doe’s anxiety disorder
14 lessened. With Enoch’s therapeutic support Jane Doe found it easier to control
15 recurring negative thoughts, fell asleep easier because she was not as anxious, and
16 was able to obtain more restful sleep.
17

18 18. On March 26, 2021, Jane Doe required major surgery on her neck, an
19 artificial disk replacement.
20

21 19. Jane Doe’s need to live with Enoch was accommodated until November
22 of 2022, when she found it necessary to re-home Enoch with a family member.
23 Enoch is a large dog, and he strenuously pulled on his leash when Ms. Doe walked
24 him, aggravating her chronic neck pain.
25

1 20. Once Jane Doe placed Enoch with a family member the symptoms of
2 her anxiety disorder increased.

3 21. Jane Doe decided to obtain a smaller dog she could walk without
4 aggravating her neck pain to be her emotional support animal.

5 22. On July 1, 2022, Ms. Doe emailed another a completed “Reasonable
6 Accommodation Request Verification Information Form” and a letter from her new
7 treating physician Dr. Geoffrey Tsoi attesting to her need to have an assistance
8 animal to Patty Carson, the manager of Chateau Rainier Apartments. In that email
9 Ms. Doe asked the manager let her know if there was “anything else she needed to
10 do.” The July 1, 2022 email is attached hereto and incorporated by reference as
11 Exhibit 1.

12 23. The “Reasonable Accommodation Request Verification Information
13 Form” required Ms. Doe to authorize PCHA to contact her doctor.

14 24. As of the date of this filing, Defendant PCHA has not granted Ms.
15 Doe’s request for an accommodation so that she may obtain an emotional support
16 animal, nor has Defendant PCHA sought clarification regarding Ms. Doe’s disability
17 related need for an emotional support animal.

18 25. In the time since Ms. Doe has been forced to live without an emotional
19 support animal her anxiety has worsened and has further impaired her daily
20 functioning.

1 26. Ms. Doe emailed Ms. Carson multiple times regarding the status of her
2 accommodation request and was told that Chateau Rainier Apartments' new
3 management was "behind."

4 27. On January 23, 2023, more than six (6) months after submitting her
5 accommodation request, Ms. Doe emailed Christina McLeod, PCHA's Director of
6 Operations pointing out that her request for accommodation had been submitted
7 more than six (6) earlier and imploring that the doctor's letter that she had provided
8 to Patty Carson be approved. The January 23, 2023 email is attached hereto and
9 incorporated by reference as Exhibit 2.
10

11 28. Ms. McLeod responded that she was "in process of reviewing all the
12 Fair Housing Disability Reasonable Accommodation requests that we had a
13 consultant review and conduct the assessment in relationship to the laws, due to our
14 staff's limited capacity," and indicated that she would "search for your request and
15 follow up with you by end of this week (week of Jan 23-28th)." A copy of Ms.
16 McLeod's January 23, 2023 email is attached hereto and incorporated by reference
17 as Exhibit 3.
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19
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21 29. The week of January 23rd through January 28, 2023 passed without
22 further communication from Ms. McLeod.
23
24
25

1 30. On January 30, 2023 Ms. Doe again reached out to Ms. McLeod
2 expressing her frustration at the amount of time that had passed without approval of
3 her request for accommodation for her disabilities.

4 31. Ms. Doe did not enjoy the courtesy of a response to her January 30,
5 2023 email to Ms. McLeod, and at the time of this filing Ms. McLeod has failed to
6 “follow up” with Ms. Doe regarding her request to have an emotional support
7 animal.
8

9 32. Based on the now more than nine (9) month delay in acting upon Ms.
10 Doe’s request for accommodation, PCHA has constructively denied her request.
11

12 33. PCHA’s actions were intentional, deliberate, willful and in total and
13 reckless disregard of Ms. Doe’s need for an emotional support animal and show total
14 indifference to Ms. Doe’s disabilities.
15

16 34. Ms. Doe has been injured by the Defendant’s discriminatory housing
17 practices and therefore qualifies as an “aggrieved person” pursuant to 42 U.S.C. §
18 3602(i).
19

20 35. As a direct and proximate result of the PCHA’s conduct, Ms. Doe
21 suffered and continues to suffer irreparable loss and injury including, but not limited
22 to, mental anguish, loss of dignity, emotional distress, humiliation, and loss of her
23 right to equal housing opportunities regardless of disability.
24
25

1 36. Ms. Doe has retained undersigned counsel to represent her in this matter
2 and has agreed to pay them reasonable fees for their services.

3 **B. John Doe**

4 37. Mr. Doe is 37 years old and has resided at Chateau Rainier since 2016
5 or 2017.
6

7 38. Mr. Doe suffers from and has a history of suffering from mental and
8 physical impairments that substantially limit his daily life activities including
9 working, self-care, sleeping and interacting with others.
10

11 39. Mr. Doe suffers from Major Depressive Disorder and Generalized
12 Anxiety Disorder and experiences frequent panic attacks.

13 40. Additionally, Mr. Doe suffered a severe on the job injury on August 14,
14 2019 that herniated two lumbar disks. Mr. Doe is in chronic pain from his work-
15 related injury and has not worked since his accident.
16

17 41. After a therapist disclosed his mental health care records to numerous
18 patients, Mr. Doe's anxiety and depression worsened, and he has had extreme
19 difficulty in interacting with others ever since.
20

21 42. On or about March 1, 2023, Mr. Doe sent an email to the property
22 manager requesting two accommodations; permission to get an emotional support
23 animal, and to be assigned a parking space close to his unit. He attached prescriptions
24 from his Psychiatrist Dr. J. Daniel Wanwig asking that Mr. Doe be assigned a
25

1 parking space near his unit, and that he be allowed to have “a Support Dog for
2 Anxiety and Depression.”

3 43. On March 20, 2023, after hearing nothing in response to his
4 accommodation requests for more than two weeks, Mr. Doe provided Defendant a
5 detailed letter from his Psychiatrist, specifically explaining Mr. Doe’s disability-
6 related need for the requested accommodations and how the accommodations will
7 help Mr. Doe cope with his disabilities. A copy of Mr. Doe’s March 20, 2023 email
8 and the letter from Dr. Wanwig are attached as Exhibit 5.
9

10
11 44. On March 29, 2023 John Doe received an email from the property
12 manager apologizing for the “late response,” acknowledging receipt of Mr. Doe’s
13 “request for a dog, also your request for a closer parking stall” and stating the
14 requests were forwarded to the Director of Operations, who planned on responding
15 by March 31, 2023. The email, which is attached hereto as Exhibit 6, warned that
16 “this time frame might be extended” because “the director has been out of the office
17 due to illness.”
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19
20 45. As of the time of filing, PCHA has failed to grant Mr. Doe either
21 accommodation, or to request additional information regarding his requests.

22 46. PCHA has had more than adequate time to review Mr. Doe’s
23 accommodation requests.
24
25

1 47. The indeterminate delay in granting Mr. Doe's requests for
2 accommodation constitutes constructive denial of his requests.

3 48. PCHA's actions were intentional, deliberate, willful and in total and
4 reckless disregard of Mr. Doe's need for his requested accommodations and show
5 total indifference to Mr. Doe's disabilities.
6

7 49. Mr. Doe has been injured by the Defendant's discriminatory housing
8 practices and therefore qualifies as an "aggrieved person" pursuant to 42 U.S.C. §
9 3602(i).
10

11 50. As a direct and proximate result of the PCHA's conduct, Mr. Doe
12 suffered and continues to suffer irreparable loss and injury including, but not limited
13 to, mental anguish, loss of dignity, emotional distress, humiliation, and loss of his
14 right to equal housing opportunities regardless of disability.
15

16 51. Mr. Doe has retained undersigned counsel to represent him in this
17 matter and has agreed to pay them reasonable fees for their services.
18

19 **V. First Cause of Action**
20 **Violation of the Fair Housing Amendments Act**
21 **Failure to Accommodate Jane Doe**

22 52. Ms. Doe re-alleges and incorporates by reference Paragraphs 1, 3-6,
23 and 8-36 as if fully set forth herein.

24 53. The Federal Fair Housing Amendments Act ("FHAA") makes it
25 unlawful to "discriminate against any person...in the provision of services or

1 facilities in connection with [a] dwelling, because of a handicap of (A) that person;
2 or (B) a person residing in or intending to reside in that dwelling after it is so sold,
3 rented, or made available; C) any person associated with that person. 42 U.S.C. §
4 3604(f)(2).

5
6 54. Under the FHAA, a person has a “handicap” when they have “a
7 physical or mental impairment which substantially limits one or more of such
8 person's major life activities.” 42 U.S.C.A. § 3602(h)(1).

9
10 55. Discrimination under the FHAA includes “a refusal to make reasonable
11 accommodations in rules, policies, practices, or services, when such
12 accommodations may be necessary to afford such person equal opportunity to use
13 and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(B).

14
15 56. Ms. Doe suffers from chronic anxiety and chronic pain that
16 substantially limit her major life activities.

17
18 57. Ms. Doe has a disability-related need to reside with an animal for
19 emotional support.

20
21 58. To have equal use and enjoyment of her home, it is necessary that Ms.
22 Doe has the ability to live with an emotional support animal to help ameliorate the
23 symptoms of her disabilities.

24
25 59. At all times relevant, PCHA had actual knowledge of Ms. Doe’s
disability related need to reside with an emotional support animal.

1 60. Ms. Doe provided PCHA reliable, third-party verification of her
2 disability-related need for an accommodation so that she may reside in her home
3 with an emotional support animal to assist her in coping with her disabilities.

4 61. At the time of filing, PCHA has constructively denied Ms. Doe's
5 request for an accommodation by failing to grant or deny her request in more than
6 nine (9) months.

7 62. PCHA's actions were in total and reckless disregard of Ms. Doe's rights
8 and demonstrate indifference to Ms. Doe's disability-related needs.

9 63. PCHA, through the conduct and acts described above, violated 42
10 U.S.C. § 3604(f) by failing to make reasonable accommodation to its rules, policies,
11 practices, or services, when such accommodation is necessary to afford Plaintiff an
12 equal opportunity to use and enjoy her dwelling.

13 64. Waving Chateau Rainier Apartments' no pet policy so that Ms. Doe can
14 live in her home with an emotional support animal would not: (1) result in substantial
15 physical damage to the property of others or that of Chateau Rainier Apartments; (2)
16 pose an undue financial and administrative burden to Chateau Rainier Apartments;
17 or (3) fundamentally alter the nature of the Chateau Rainier Apartments' operations,

18 65. As a direct and proximate result of Defendant's denial of Ms. Doe's
19 accommodation request, Ms. Doe suffered, and continues to suffer irreparable loss
20 and injury including, but not limited to, monetary damages, mental anguish, loss of
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dignity, emotional distress, humiliation, invasion of privacy, loss of her rights to equal housing opportunities regardless of disability.

VI. Second Cause of Action
Section 504 of the Rehabilitation Act of 1973
Jane Doe

66. Ms. Doe re-alleges and incorporates by reference Paragraphs 1, 3-6, 8-36 and 53-65 as if fully set forth herein.

67. Ms. Doe is limited in her major life activities of sleeping, concentrating, and self-care and accordingly is an individual with a disability as defined by Section 504. 29 U.S.C. § 705(9).

68. At all times relevant to this action, PCHA has been a program or activity receiving federal financial assistance pursuant to 29 U.S.C. § 794.

69. A recipient of federal funds that provides housing illegally discriminates by “[denying] a qualified individual with handicaps the opportunity to participate in, or benefit from, the housing, aid, benefit, or service”... or providing “housing, aid, benefit, or service that is not as effective in affording the [individual with a disability] an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.” 24 C.F.R. § 8.4(b)(1)(i),(iii).

1 70. By not reasonably accommodating Ms. Doe’s disability related need to
2 reside with an animal for emotional support, PCHA has denied her the benefit and
3 service of public housing.

4 71. The Rehabilitation Act extends relief to “any person aggrieved” by
5 discrimination in violation thereof. 29 U.S.C. § 794a(a)(2).
6

7 72. Any individual may recover compensatory damages under the
8 Rehabilitation Act when a public entity intentionally discriminates through
9 “deliberate indifference.”
10

11 73. Deliberate indifference requires knowledge that harm to a federally
12 protected right is substantially likely, and a failure to act upon that likelihood.

13 74. PCHA, acting through Patty Carson and Christina McLeod, were
14 informed on multiple occasions that Ms. Doe had a disability-related need for an
15 emotional support animal, but intentionally failed to grant Ms. Doe’s request for
16 reasonable accommodation for more than nine (9) months, failing to protect her
17 rights.
18

19 75. PCHA intentionally discriminated against Ms. Doe on the basis of her
20 disability in violation of the Rehabilitation Act and its implementing regulations.
21

22 76. Ms. Doe is therefore entitled to injunctive relief; attorneys’ fees, costs,
23 and disbursements; and compensatory damages for the injuries and loss sustained as
24
25

1 a result of PCHA's discriminatory conduct and deliberate indifference as
2 hereinbefore alleged, pursuant to 29 U.S.C. § 794(a).

3 **VII. Third Cause of Action**
4 **Violation of the Fair Housing Amendments Act**
5 **Failure to Accommodate John Doe-Emotional Support Animal**

6 77. Mr. Doe re-alleges and incorporates by reference Paragraphs 3, 3-4, 8-
7 11 and 37-51 as if fully set forth herein.

8 78. The Federal Fair Housing Amendments Act ("FHAA") makes it
9 unlawful to "discriminate against any person...in the provision of services or
10 facilities in connection with [a] dwelling, because of a handicap of (A) that person;
11 or (B) a person residing in or intending to reside in that dwelling after it is so sold,
12 rented, or made available; C) any person associated with that person. 42 U.S.C. §
13 3604(f)(2).
14

15 79. Under the FHAA, a person has a "handicap" when they have "a
16 physical or mental impairment which substantially limits one or more of such
17 person's major life activities." 42 U.S.C.A. § 3602(h)(1).
18

19 80. Discrimination under the FHAA includes "a refusal to make reasonable
20 accommodations in rules, policies, practices, or services, when such
21 accommodations may be necessary to afford such person equal opportunity to use
22 and enjoy a dwelling." 42 U.S.C. § 3604(f)(3)(B).
23
24
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1 81. Mr. Doe suffers from mental and physical impairments that
2 substantially limit his major life activities.

3 82. To have equal use and enjoyment of his home, it is necessary that Mr.
4 Doe live with an emotional support animal to help ameliorate the symptoms of his
5 disabilities.
6

7 83. At all times relevant, PCHA had actual knowledge of Mr. Doe's
8 disability related need to reside with an emotional support animal.
9

10 84. Mr. Doe provided PCHA reliable, third-party verification of his
11 disability-related need to reside with an emotional support animal.

12 85. PCHA has constructively denied Mr. Doe's accommodation requests
13 by failing to grant or deny his request or request additional information from Mr.
14 Doe in more than a month.
15

16 86. PCHA's actions were in total and reckless disregard of Mr. Doe's
17 rights, and demonstrate indifference to Mr. Doe's disability-related needs.

18 87. PCHA, through the conduct and acts described above, violated 42
19 U.S.C. § 3604(f) by failing to make reasonable accommodation to its rules, policies,
20 practices, or services, when such accommodation is necessary to afford Plaintiff
21 John Doe an equal opportunity to use and enjoy his dwelling.
22

23 88. Waving Chateau Rainier Apartments' no pet policy so that Mr. Doe can
24 live in his home with an emotional support animal would not: (1) result in substantial
25

physical damage to the property of others or that of Chateau Rainier Apartments; (2) pose an undue financial and administrative burden to Chateau Rainier Apartments; or (3) fundamentally alter the nature of the Chateau Rainier Apartments' operations.

89. As a direct and proximate result of Defendant's failure to grant Mr. Doe's accommodation request, Mr. Doe suffered, and continues to suffer irreparable loss and injury including, but not limited to, monetary damages, mental anguish, loss of dignity, emotional distress, humiliation, invasion of privacy, loss of his rights to equal housing opportunities regardless of disability.

VIII. Fourth Cause of Action Violation of the Fair Housing Amendments Act Failure to Accommodate John Doe-Parking Space

90. Mr. Doe re-alleges and incorporates by reference Paragraphs 3, 3-4, 8-11 and 37-51 as if fully set forth herein.

91. The Federal Fair Housing Amendments Act ("FHAA") makes it unlawful to "discriminate against any person...in the provision of services or facilities in connection with [a] dwelling, because of a handicap of (A) that person; or (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; C) any person associated with that person. 42 U.S.C. § 3604(f)(2).

1 92. Under the FHAA, a person has a “handicap” when they have “a
2 physical or mental impairment which substantially limits one or more of such
3 person's major life activities.” 42 U.S.C.A. § 3602(h)(1).

4 93. Discrimination under the FHAA includes “a refusal to make reasonable
5 accommodations in rules, policies, practices, or services, when such
6 accommodations may be necessary to afford such person equal opportunity to use
7 and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(B).

8 94. Mr. Doe suffers from mental and physical impairments that
9 substantially limit his major life activities.
10

11 95. Encountering strangers frequently triggers Mr. Doe to have a panic
12 attack.
13

14 96. To have equal use and enjoyment of his home, it is necessary that Mr.
15 Doe have an assigned parking space near his home so that he does not have to
16 encounter numerous other residents when coming and going from his home.
17

18 97. At all times relevant, PCHA had actual knowledge of Mr. Doe’s
19 disability-related need for an assigned parking space close to his unit.
20

21 98. Mr. Doe provided PCHA reliable, third-party verification of his
22 disability-related need for an assigned parking space.
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1 99. PCHA has constructively denied Mr. Doe's request for an
2 accommodation by failing to grant or deny his request or request additional
3 information from Mr. Doe in more than a month.

4 100. PCHA's actions were in total and reckless disregard of Mr. Doe's
5 rights, and demonstrate indifference to Mr. Doe's disability-related needs.
6

7 101. PCHA, through the conduct and acts described above, violated 42
8 U.S.C. § 3604(f) by failing to make reasonable accommodation to its rules, policies,
9 practices, or services, when such accommodation is necessary to afford Plaintiff
10 John Doe an equal opportunity to use and enjoy his dwelling.
11

12 102. Assigning Mr. Doe a parking space near his home to minimize his
13 interactions with residents unknown to him would not: (1) result in substantial
14 physical damage to the property of others or that of Chateau Rainier Apartments; (2)
15 pose an undue financial and administrative burden to Chateau Rainier Apartments;
16 or (3) fundamentally alter the nature of the Chateau Rainier Apartments' operations.
17

18 103. As a direct and proximate result of Defendant's failure to grant Mr.
19 Doe's accommodation request, Mr. Doe suffered, and continues to suffer irreparable
20 loss and injury including, but not limited to, monetary damages, mental anguish, loss
21 of dignity, emotional distress, humiliation, invasion of privacy, loss of his rights to
22 equal housing opportunities regardless of disability.
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24

25 **IX. Fifth Cause of Action**
 Section 504 of the Rehabilitation Act of 1973

COMPLAINT AND JURY DEMAND -
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John Doe Emotional Support Animal

104. Mr. Doe re-alleges and incorporates by reference Paragraphs 3, 3-4, 8-11 and 37-51 as if fully set forth herein.

105. Mr. Doe is limited in his major life activities of working, sleeping, self-care and interacting with others and accordingly is an individual with a disability as defined by Section 504. 29 U.S.C. § 705(9).

106. At all times relevant to this action, PCHA has been a program or activity receiving federal financial assistance pursuant to 29 U.S.C. § 794.

107. A recipient of federal funds that provides housing illegally discriminates by “[denying] a qualified individual with handicaps the opportunity to participate in, or benefit from, the housing, aid, benefit, or service”... or providing “housing, aid, benefit, or service that is not as effective in affording the [individual with a disability] an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.” 24 C.F.R. § 8.4(b)(1)(i),(iii).

108. Mr. Doe requested a waiver of the no-pet policy so that he could obtain a dog to be his emotional support animal.

109. By not reasonably accommodating Mr. Doe’s disability related need for an emotional support animal, PCHA has denied him the benefit and service of public housing.

1 110. The Rehabilitation Act extends relief to “any person aggrieved” by
2 discrimination in violation thereof. 29 U.S.C. § 794a(a)(2).

3 111. Any individual may recover compensatory damages under the
4 Rehabilitation Act when a public entity intentionally discriminates through
5 “deliberate indifference.”
6

7 112. Deliberate indifference requires knowledge that harm to a federally
8 protected right is substantially likely, and a failure to act upon that likelihood.
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10 113. PCHA, acting through Patty Carson and Christina McLeod, were aware
11 that Mr. Doe has a disability-related need for an emotional support animal, but
12 intentionally failed to grant Mr. Doe’s request for reasonable accommodation.

13 114. PCHA intentionally discriminated against Mr. Doe on the basis of his
14 disability in violation of the Rehabilitation Act and its implementing regulations.
15

16 115. Mr. Doe is therefore entitled to injunctive relief; attorneys’ fees, costs,
17 and disbursements; and compensatory damages for the injuries and loss sustained as
18 a result of PCHA’s discriminatory conduct and deliberate indifference as
19 hereinbefore alleged, pursuant to 29 U.S.C. § 794(a).
20

21 **X. Sixth Cause of Action**
22 **Section 504 of the Rehabilitation Act of 1973**
23 **John Doe Assigned Parking Space**

24 116. Mr. Doe re-alleges and incorporates by reference Paragraphs 3, 3-4, 8-
25 11 and 37-51 as if fully set forth herein.

1 117. Mr. Doe is limited in his major life activities of working, sleeping, self-
2 care and interacting with others and accordingly is an individual with a disability as
3 defined by Section 504. 29 U.S.C. § 705(9).

4 118. At all times relevant to this action, PCHA has been a program or
5 activity receiving federal financial assistance pursuant to 29 U.S.C. § 794.
6

7 119. A recipient of federal funds that provides housing illegally
8 discriminates by “[denying] a qualified individual with handicaps the opportunity to
9 participate in, or benefit from, the housing, aid, benefit, or service”... or providing
10 “housing, aid, benefit, or service that is not as effective in affording the [individual
11 with a disability] an equal opportunity to obtain the same result, to gain the same
12 benefit, or to reach the same level of achievement as that provided to others.” 24
13 C.F.R. § 8.4(b)(1)(i),(iii).
14
15

16 120. Mr. Doe requested that he be assigned a parking space close to his home
17 as an accommodation of his disability.

18 121. By not reasonably accommodating Mr. Doe’s disability-related need
19 for an assigned parking space, PCHA has denied him the benefit and service of
20 public housing.
21

22 122. The Rehabilitation Act extends relief to “any person aggrieved” by
23 discrimination in violation thereof. 29 U.S.C. § 794a(a)(2).
24
25

123. Any individual may recover compensatory damages under the Rehabilitation Act when a public entity intentionally discriminates through “deliberate indifference.”

124. Deliberate indifference requires knowledge that harm to a federally protected right is substantially likely, and a failure to act upon that likelihood.

125. PCHA, acting through Patty Carson and Christina McLeod, were aware that Mr. Doe has a disability-related need for an assigned parking space, but intentionally failed to grant Mr. Doe’s request for reasonable accommodation.

126. PCHA intentionally discriminated against Mr. Doe on the basis of his disability in violation of the Rehabilitation Act and its implementing regulations.

127. Mr. Doe is therefore entitled to injunctive relief; attorneys’ fees, costs, and disbursements; and compensatory damages for the injuries and loss sustained as a result of PCHA’s discriminatory conduct and deliberate indifference as hereinbefore alleged, pursuant to 29 U.S.C. § 794(a).

XI. RELIEF REQUESTED

WHEREFORE, Plaintiffs **JANE DOE and JOHN DOE** respectfully request that this Court:

A. Assume jurisdiction over this action;

B. Find and declare that **PIERCE COUNTY HOUSING AUTHORITY** violated the Fair Housing Amendments Act and Section 504 of the Rehabilitation

Act by discriminating against a person with a disability by constructively denying **JANE DOE's** request for accommodation of her need to live with an animal for emotional support and **JOHN DOE's** request for an assigned parking space near his unit and waiver of the no-pet rule so that he may obtain a dog for emotional support;

C. Enter a preliminary and permanent injunction ordering **PIERCE COUNTY HOUSING AUTHORITY** to make Chateau Rainier Apartments accessible to disabled persons that rely upon assistance animals by waiving any restriction that prevents disabled persons from being accompanied by their assistance animals when residing in or visiting Chateau Rainier Apartments;

D. Award **JANE DOE and JOHN DOE**:

i. Actual and Compensatory damages under the pursuant to the Fair Housing Amendments Act and Section 504 of the Rehabilitation Act as will fully compensate **JANE DOE and JOHN DOE** for their injuries incurred as a result of **PIERCE COUNTY HOUSING AUTHORITY's** discriminatory housing practices and conduct alleged herein;

ii. Reasonable costs and attorney's fees incurred herein pursuant to the Fair Housing Amendments Act and Section 504 of the Rehabilitation Act;


iii. Interest on all amounts at the highest rates and from the earliest dates allowed by law.

E. Award **JANE DOE and JOHN DOE** such additional or alternative relief as may be just, proper and equitable.

DATED THIS 13th day of April, 2023.

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BY: s/ Adam P. Karp, Esq.
Adam P. Karp, Esq.
WSBA #28622
Counsel for Plaintiffs

BY: s/ Marcy I. LaHart
Marcy I. LaHart, Esq.
Florida Bar No. 0967009
Counsel for Plaintiffs

JURY DEMAND

COME NOW the Plaintiffs, and pursuant to Rule 38 of the Federal Rules of Civil Procedure, hereby request a six-person jury in the above referenced matter.

Dated this 4.13.23,

ANIMAL LAW OFFICES, PLLC


Adam P. Karp, WSBA 28622
Attorney for Plaintiffs

² Pro hac vice application pending.

1

----- Forwarded Message -----

From: [REDACTED]
To: pcarson@pchawa.org <pcarson@pchawa.org>
Sent: Friday, July 1, 2022 at 03:19:21 PM PDT
Subject: RA request letter 2 attachments

Hi Patty,

Here are the documents for my RA. Let me know if there's anything else I need to do.
Thanks!

[REDACTED]

2

From: [REDACTED]
Sent: Monday, January 23, 2023 2:24 PM
To: Christina L. McLeod <CLMcLeod@pchawa.org>; Chateau Rainier <ChateauRainier@pchawa.org>
Subject: URGENT MATTER

 **EXTERNAL** 

Hi,

My name is [REDACTED] I live in Apartment E-108 at Chateau Rainier. Friday July 1, 2022 I submitted a document from my doctor MD Geoffrey Tsoi to Patty. My doctor recommended that I be allowed to have a Companion/Service Dog to help me cope with my medical condition. Today is Monday January 23, 2023.

It's been 6 months and some days since submitting the document to Patty, the leasing manager. That was a very long time ago. Almost every month I made contact with Patty numerous times and was told the new management still had not approved my doctor's recommendations.

This is very unfortunate and is causing my condition to worsen. Since I became a tenant here I have always paid my rent on time and always abided by the conditions of my lease agreement. I feel bad that I signed a new lease agreement due to this ongoing situation which puts me in a box.

It is unfortunate my health has been ignored for this unreasonable amount of time. Numerous times Patty told me the new management was behind. Numerous times Patty told me she would reach out to the proper person to speed things up and each time nothing ever came of it.

I keep getting the runaround while my health continues to decline. With respect, there are other tenants with animals in this complex but for some reason I feel Chateau Rainier is unfairly singling me out and treating me unfairly.

At this point if nothing comes of this email I'm left with no other option but to explore my rights and possible legal options because my chronic health condition continues to decline.

Today, please approve my doctor's note that was sent to Patty. If you have any questions or concerns please contact me at [REDACTED]

[REDACTED]

3

From: **Christina L. McLeod** <CLMcLeod@pchawa.org>

Date: Mon, Jan 23, 2023 at 2:31 PM

Subject: CR E-108 - Disability RA for Animal - Requesting Update

To: [REDACTED] Chateau Rainier <ChateauRainier@pchawa.org>

Thank you for email.

I am in process of reviewing all the Fair Housing Disability Reasonable Accommodation requests that we had a consultant review and conduct the assessment in relationship to the laws, due to our staff's limited capacity.

I will search for your request and follow up with you by end of this week (week of Jan 23-28th).

Sincerely,

-tina

Christina McLeod (she/her/hers)

Director of Operations

Pierce County Housing Authority

253.620.5400 Main

253.620.5427 Direct

603 Polk Street South

Tacoma, WA 98444

www.pchawa.org



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4

On Wed, Mar 1, 2023 at 2:44 PM [REDACTED] > wrote:
Hello, Patty,

My name is [REDACTED] and I live in Apartment E-108. Attached are notes from my doctor Dr. Wanwig requesting that I be allowed to have an emotional support dog and requesting I have a reserved parking space near my door. Both needs are due to my anxiety and depression.

[REDACTED]

5

From: [REDACTED]
Date: Mon, Mar 20, 2023 at 2:02 PM
Subject: Re: From E-108 URGENT
To: chateaurainier@pchawa.org <chateaurainier@pchawa.org>

Hi,

This is [REDACTED] in E-108 again, please also see the attachment,

Pursuant to the Fair Housing Act I am requesting a waiver of the no-pet policy so that I may obtain a dog to be my emotional support animal.

I am also asking to be assigned a parking spot close to my apartment and that when you approve the assigned parking space because I am in the address confidentiality program please do not put my name or address on the assigned parking sign.

As verification of my disability and need for these reasonable accommodations I am attaching a letter from my psychiatrist Dr. Wanwig.

Please let me know if you have any questions.



J. Daniel Wanwig, M.D.

March 16, 2023

To Whom It May Concern:

RE: [REDACTED]

I am a psychiatrist licensed by the state of Washington with more than 40 years of experience in my field. [REDACTED] is my patient and is under my care. [REDACTED] suffers from and has a history of suffering from mental impairments that substantially limit his major life activities, including working, sleeping, concentrating, driving, interacting with others and self-care.

It is my professional opinion that having an emotional support animal would assist [REDACTED] by helping to ameliorate the symptoms of his mental impairments. The mood stabilization benefits of living with companion animals have been well documented in professional literature. Additionally, living with a dog for emotional support would also help [REDACTED] by forcing him to develop a routine which would provide structure to his days as a dog will need to be fed and exercised regularly. We are hopeful that with time and with the therapeutic support of an emotional support animal, [REDACTED] will be able to interact with others without suffering from extreme anxiety.

Additionally, having an assigned parking spot close to his unit would greatly benefit [REDACTED] in coping with his disabilities. Currently he has extreme difficulty in interacting with strangers, and being around people other than immediate family. Having an assigned parking space near his unit will allow [REDACTED] to come and go from his home without encountering as many residents.

Sincerely,


J. Daniel Wanwig, M.D.